

DRAFT EXPRESS TERMS  
BEACH ACT STANDARDS AND RECLASSIFICATION RULE  
6 NYCRR 700, 703, and 890

Title 6 of the New York Codes, Rules, and Regulations (NYCRR) Part 700, entitled “Definitions, Samples and Tests,” is amended as follows.

Subdivision (a) of Section 700.1 is amended by adding the following definitions:

(73) Coastal recreation waters mean the Great Lakes and marine coastal waters (including coastal estuaries) that are designated under section 303(c) of the federal Clean Water Act by the State for use for swimming, bathing, surfing, or similar water contact activities. Coastal recreation waters do not include inland waters or waters upstream of the mouth of a river or stream having an unimpeded natural connection with the Great Lakes or open marine waters.

(74) Primary contact recreation season means the time period of the year beginning May 1 and ending October 31 or as determined by the Department on a case-specific basis in order to protect the best usages of the waters.

Title 6 of the New York Codes, Rules, and Regulations (NYCRR) Part 703, entitled “Surface Water and Groundwater Quality Standards and Groundwater Effluent Limitations,” is amended as follows:

Section 703.4 is amended as follows:

§703.4 Water quality standards for coliforms, enterococci, and E. coli.

Total and fecal coliform, enterococci, and E. coli standards for specific classes are provided in this section.

(a) Total coliforms (number of colony-forming units per 100 ml).

Classes	Standard
AA	The monthly median value and more than 20 percent of the samples, from a minimum of five examinations, shall not exceed 50 and 240, respectively.

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A, B, C, D, SB, SC, I, SD	The monthly median value and more than 20 percent of the samples, from a minimum of five examinations, shall not exceed 2,400 and 5,000, respectively.
SA	The median most probable number (MPN) value in any series of representative samples shall not be in excess of 70.
A-Special	The geometric mean, of not less than five samples, taken over not more than a 30-day period shall not exceed 1,000.
GA	The maximum allowable limit is 50.

(b) Fecal coliforms (number of colony-forming units per 100 ml).

<i>Classes</i>	<i>Standard</i>
A, B, C, D, SB, SC, I, SD	The monthly geometric mean, from a minimum of five examinations, shall not exceed 200.
A-Special	The geometric mean, of not less than five samples, taken over not more than a 30-day period shall not exceed 200.

Subdivision 703.4(c) is repealed and a new subdivision 703.4(c) is adopted to read as follows:

(c) Enterococci (number of colony-forming units per 100 ml).

<u><i>Classes</i></u>	<u><i>Standard</i></u>
<u>Coastal recreation waters of the following classes: SA and SB</u>	<u>The geometric mean of samples collected over any consecutive 90-day period shall not exceed 35, and no more than 10 percent of the samples collected in the same 90-day period shall exceed 130.</u>

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A new subdivision 703.4(d) is adopted to read as follows:

(d) E. coli (number of colony-forming units per 100 ml).

<u>Classes</u>	<u>Standard</u>
<u>Coastal recreation waters of the following classes: A, A-Special, AA, AA-Special, and B</u>	<u>The geometric mean of samples collected over any consecutive 90-day period shall not exceed 126, and no more than 10 percent of the samples collected in the same 90-day period shall exceed 410.</u>

A new subdivision 703.4(e) is adopted to read as follows:

(e) Limitations on applicability of water quality standards for coliforms, enterococci, and E. coli.

(1) The total and fecal coliform standards for Class B, C, D, SB, SC, I, and SD waters shall be met: (i) during the primary contact recreation season unless the permittee can demonstrate to the satisfaction of the Department that disinfection is not necessary to protect human health; and (ii) in any other instance where the Department determines it necessary to protect human health.

(2) The enterococci standards for Class SB coastal recreation waters shall be met: (i) during the primary contact recreation season; and (ii) in any other instance where the Department determines it necessary to protect human health.

(3) The E. coli standards for Class B coastal recreation waters shall be met: (i) during the primary contact recreation season; and (ii) in any other instance where the Department determines it necessary to protect human health.

Title 6 of the New York Codes, Rules, and Regulations (NYCRR) Part 890, entitled “New York City Waters” is amended to read as follows.

Table I of section 890.6 is amended as follows:

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890.6 Table I.

**TABLE I**  
**CLASSIFICATIONS AND STANDARDS OF QUALITY AND PURITY ASSIGNED TO**  
**FRESH SURFACE WATERS AND TIDAL SALT WATERS, INCLUDING CERTAIN**  
**TIDAL WATERS OF THE INTERSTATE SANITATION DISTRICT WITHIN**  
**DESIGNATED DRAINAGE BASINS OF NEW YORK BAY, RARITAN BAY AND A**  
**PORTION OF THE ATLANTIC OCEAN, INCLUDING THE SUBBASINS OF ARTHUR**  
**KILL, KILL VAN KULL, THE HARLEM RIVER AND THE LOWER EAST RIVER,**  
**BRONX, KINGS, NEW YORK, QUEENS, RICHMOND AND WESTCHESTER**  
**COUNTIES, NEW YORK**

<i><b>Item No.</b></i>	<i><b>Waters Index Number</b></i>	<i><b>Name</b></i>	<i><b>Description</b></i>	<i><b>Map Ref. No.</b></i>	<i><b>Class</b></i>	<i><b>Standards</b></i>
4		Lower New York Bay portion including Gravesend Bay	That portion of Bay south of The Narrows and bounded on north by line from tip of Fort Wadsworth to tip of Fort Hamilton; and bounded on south by line from south limits of Fort Wadsworth Military Reservation to Norton Point at western tip of Coney Island peninsula near Sea Gate, including Gravesend Bay.	S-23se S-24sw	[I]SB	[I]SB

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6		Upper New York Bay including The Narrows, Atlantic Basin, Gowanus Bay	That portion of Bay within New York bounded on south by line from tip of Fort Wadsworth to tip of Fort Hamilton; and bounded on west by shore of Staten Island north of tip of Fort Wadsworth, thence by north-south line across mouth of Kill Van Kull from northernmost point of Staten Island to easternmost point at Constable Point, Bayonne, New Jersey, thence by New York-New Jersey boundary line from mouth of Hudson River; and bounded on north by true east-west line passing through southernmost tip of Manhattan Island at the Battery and intersecting	S-23ne S-23se S-24nw	[I]SB	[I]SB
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			state boundary line, thence by line extending from same point at the Battery across mouth of Lower East River to western tip of pier 17 at Brooklyn; thence bounded on east by western shore of Brooklyn from pier 17 south to Fort Hamilton, excluding Erie Basin.			
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Map 3 of section 890.9 is repealed and the section is marked “Reserved”

Map 4 of section 890.10 is repealed and the section is marked “Reserved”